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## Interview with Gerald T. Shea

Adrienne Miller

California Polytechnic State University, San Luis Obispo, [amille13@calpoly.edu](mailto:amille13@calpoly.edu)

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Gerald T. Shea

## INTERVIEW WITH GERALD T. SHEA

### San Luis Obispo District Attorney

Gerry Shea, a native of San Diego, received his bachelor's degree from San Diego State University in 1971 and a law degree from Loyola University of Los Angeles in 1974. He was elected San Luis Obispo County District Attorney in June 1998 and re-elected in 2002 and 2006. He serves on the board of directors for the San Luis Obispo Women's Shelter and the executive council for the county's Children's Services Network, and is the chair of the Domestic Violence Task Force. He is also a member of the county's Anti-Gang Coordinating Commission and is past-president of the California District Attorneys' Association.

*Moebius: What attracted you to this job? What goals have you tried to accomplish?*

GS: When I began working in the Los Angeles Office of the California Attorney General after graduating from law school in 1974, I discovered that I really enjoyed criminal law. Compared to civil law cases, you can apply a more uniform approach and resolve the cases at a faster rate. I came to San Luis Obispo in 1977 and became a deputy district attorney with the San Luis Obispo County District Attorney's Office. In 1985, I was selected as the chief deputy for the District Attorney's Office. Becoming the district attorney was never a specific goal of mine, but the opportunity presented itself when my predecessor, who had been appointed as a judge, asked me to consider this role. Running for office and serving as an elected official stretches the skill set that an attorney needs. I found that I needed to listen even more closely to a variety of people to understand their issues. Of course, our county is so diverse—encompassing both rural and urban communities, large highway systems, parks and public lands—that the range of those issues and concerns is quite broad.

Our office's primary duty is to do justice by, among other things, holding perpetrators accountable for committing crimes within the county of San Luis Obispo and thereby enhancing public safety. I also have had a number of specific goals as the district attorney. They've included reducing the number of juvenile crimes in our county and reducing the number of criminal cases involving guns. I've also tried to increase the investigation and prosecution of elder abuse cases and to build outreach programs for elder crime victims. My office has also worked hard to expand our victim/witness assistance program, which has been of great importance in cases such as sexual assault. We've also attempted to enhance collaboration with other law enforcement agencies, addressing issues such as domestic violence, gangs, and environmental crimes. It has also been important for us to handle the high profile criminal cases well. In the future, I see a potential increase in internet crimes against children, large scale financial crimes, and cold-hit DNA cases.

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*Moebius: How would you describe your office's approach to working with college students?*

GS: There are twenty-five counties in California that are homes to universities or colleges, and so our challenge is not unique to San Luis Obispo County. That challenge is, of course, maintaining a balanced perspective of, on the one hand, the criminal-related issues associated with college students, and, on the other hand, all of the opportunities and advantages presented by the university student body.

As to the criminal-related issues, underage alcohol consumption can lead to a higher rate of criminal violations such as Minors in Possession of Alcohol, Drunk and/or Fighting in Public, Resisting Arrest, and Driving Under the Influence. College students can also become vulnerable and unexpected victims of crimes. In 1998, for example, a Cal Poly student was kidnapped and murdered in one the most vicious crimes in our county's history. In more recent times, there have been burglaries, break-ins, and attempted rapes in which students have been the crime victims and have been our primary witnesses in court. Currently, we are working on a hazing case, a case of carjacking and kidnapping, and another case of strong-armed robberies—all involving Cal Poly students as victims.

As the district attorney, I always have to ask, "Do we have enough evidence to prove the case?" Nevertheless, when I think about college students, I remember that it's not how you start, but how you finish that is important. This can become significant during the sentencing process for comparatively minor offenses. For example, there is a program called Young Adult Deferred Entry of Judgment (YAD) that is available to defendants over the age of eighteen and under twenty-one. Rather than paying a fine and receiving other punishments for a first-time, low-level alcohol infraction, students who qualify for the program can agree to attend an intensive, five-week class on alcohol and drug abuse. Proof of completion of the class permits the court to ultimately dismiss the charge. Of course, if someone becomes a repeat offender, the consequences become much more significant. So we try to use an educational approach when we can, but the law considers these students to be adults and so with respect to repeat offenders especially, I have an obligation to the safety of the county.

*Moebius: Some people describe a person's college years as a time of inquiry and experimentation, which, by its definition, involves challenging or violating established rules. Your role is often characterized as one imposing order and regimentation. Is this dichotomy accurate from your perspective?*

GS: Reasonable inquiry by college students is healthy and natural, but when it transforms itself into high-risk behavior, we confront problems that could affect public safety. Alcohol has become such a common part of college life and the resulting behavior can sometimes disrupt the community or pose a substantial risk to the students themselves or to others. For example, six or seven years ago during Mardi Gras, our office received

and handled scores of cases mainly against students for being drunk in public, for resisting arrest, or vandalism. Some people might have seen this as interfering with student inquiry, but we saw it as addressing behavior which was likely to do damage to property or physical harm to members of the community. So it's important to find ways to encourage inquiry and experimentation without permitting or excusing high risk behavior.

*Moebius: Does the percentage of college-age residents affect your allocation of resources? Has the presence and size of the student population led to the development of specific programs?*

GS: County-wide, the District Attorney's Office receives criminal case referrals from about twenty different law enforcement agencies, including the county's seven city police departments, the Sheriff's Department, the California Men's Colony, Atascadero State Hospital, and the California Highway Patrol. We receive about 350 new adult criminal cases per week for a total of 17,000 cases per year. While we consider Cal Poly and its 18,000 students important members of the community, with this network of referrals, we factor the university into our usual allocation of resources.

That being said, we do specifically involve ourselves in the college community to address various issues, including the issue of sexual assault. My office is represented on Cal Poly's Women's Safety Committee. We also work with SARP (Sexual Assault Recovery and Prevention Center) to help prevent sexual assaults. And recently, we helped to form a group composed of members of the Cal Poly staff, the University Police Department, the San Luis Obispo Police Department, and SARP to review closed sexual assault cases in order to, among other things, enhance both prevention and investigation approaches to these specialized cases.

*Moebius: Can you provide specific examples of opportunities you have because of the high percentage of college-age students in San Luis Obispo?*

GS: Cal Poly faculty members provide valuable resources and the students can be great role models. For example, Dr. Roslyn Caldwell, of the Psychology Department, has developed the Bakari Project, a program which she originated at UC Irvine. Under her direction, Cal Poly students serve as mentors for gang-at-risk youth and their families. And a regular feature of our office during the school year is our internship program which provides students with a window into the criminal justice system and allows our office to better serve the public.

Looking to the future, I would like to see Cal Poly develop some sort of an apprenticeship program or minor in the forensic sciences to equip students to fill the positions needed by our forensic-DNA labs around the state. CSI [Crimes Scene Investigation], of course, is a popular topic and I believe that Cal Poly and its students are well-positioned to use their technical expertise to develop such a program. Law enforcement agencies

could certainly use the help in being able to process and analyze all of the DNA evidence that Proposition 69, passed in 2004, requires them now to collect. This is evidence that could prove essential in solving previously unsolved cases. There are just not enough statewide resources right now. In fact, the Sheriff's Office was recently able to solve a previously unsolved 1987 murder case by using DNA, but there are so many more cases that could be resolved with the additional resources that could be provided by a university such as Cal Poly. ☺

*Interview on behalf of Moebius conducted by Adrienne Miller, Winter 2010.*